FILING CODE: OTD

Your Name:

Address:

City, State, Zip:

Phone:

Email:

Self-Represented

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

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| --- | --- |
| In the Matter of the Hospitalization of: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of proposed patient*)A person alleged to be in a mental health crisis.  |  CASE NO.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_DEPT: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

## ORDER UPON PETITION FOR MENTAL HEALTH CRISIS HOLD

**The Court, having reviewed the Petition for Mental Health Crisis Hold:**

☐ FINDS that there are sufficient facts and circumstances to show that the proposed patient is currently a “Person in a mental health crisis.”

☐ FINDS that more information is needed in order to make a decision. The Court hereby sets this for a hearing on:

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 The hearing will be held in Courtroom 5C of the Regional Justice Center, 200 Lewis Avenue, Las Vegas, NV 89155. Notice of Hearing with instructions on appearing virtually to follow.

☐ FINDS that in order to be a “Person in a mental health crisis” as defined by NRS 433A.0175, the person must have a mental illness under subsection 1(a).  The Petitioner has provided no information or evidence of a diagnosed or diagnosable mental illness, including mention of any prior diagnosis, treatment, hospitalization or behaviors that give rise to probable cause that the person suffers from a mental illness.

☐ FINDS that in order to be a “Person in a mental health crisis” as defined by NRS 433A.0175, the person must have a mental illness under subsection 1(a).  The Petitioner has provided no evidence of a diagnosed or diagnosable mental illness. While the Petitioner has given information that indicates that the subject suffers from substance use disorder, the Court notes that substance use disorder, in and of itself, cannot be the basis for detainment at a public or private mental health facility or hospital for assessment, evaluation, intervention and treatment pursuant to NRS 433A.160. NRS 433A.0175 specifically excludes a person whose capacity is diminished by . . . .brief periods of intoxication caused by alcohol or drugs, or dependence upon or addiction to alcohol or other substances, unless a mental illness that can be diagnosed is also present which contributes to the diminished capacity of the person..”

☐ THE COURT ALSO FINDS that while the Petitioner has provided information about the subject engaging in aggressive or threatening behavior, no information has been provided about that behavior being the result of a mental illness.

☐ FINDS that in order to be a Person in a Mental Health Crisis” under NRS 433A.0175 they must present a substantial likelihood of serious harm to himself or others.  Petitioner has not described behavior that is indicative of current substantial likelihood of serious harm to self or others, per NRS 433A.0195.

☐ FINDS that the petition does not state sufficient facts regarding the RECENT behavior of the proposed patient that would cause them to present a substantial likelihood of serious harm to himself or others, per NRS 433A.0195.

☐ FINDS that the Petitioner indicates that the subject of the petition is currently in custodial detention. Since the subject is currently in custody, they cannot be removed from the detention facility until the criminal case holding them is resolved. Due to their custodial status, they cannot be apprehended and/or detained for observation at this time.

☐ FINDS that the proposed patient is already in the process of being held on a mental health crisis hold at a hospital, which renders this issue MOOT.

☐

**Therefore, based on the above findings, IT IS HEREBY ORDERED:**

☐ That the Petition for a Mental Health Crisis Hold and the accompanying request for the Order To Apprehend And Detain are DENIED.

☐ That the request for the Order To Apprehend And Detain is GRANTED. Therefore, IT IS HEREBY ORDERED that any peace officer shall take the proposed patient into custody, deliver a copy of this Order and supporting documents, including a copy of the Petition for a Mental Health Crisis Hold to the proposed patient, transport the proposed patient to the nearest hospital pursuant to NRS 433A.160, and leave a copy of this order and supporting documents, including a copy of the Petition for a Mental Health Crisis Hold, with the receiving hospital upon delivery of the proposed patient to the hospital. IT IS FURTHER ORDERED that if the proposed patient is not found, located and transported to a hospital within fourteen (14) days of the filing of this order, this order will automatically terminate and have no further force or effect.

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 District Court Judge

Submitted By:(*your signature*) ⏵\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (*print your name*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_